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FILED
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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 Attorneys for Plaintiff

12 UNITED STATES MAGISTRATE COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,) No. 3 05 70678 (BZ)
16 Plaintiff,) [PROPOSED] ORDER AND
17 v.) STIPULATION FOR CONTINUANCE
18 ROSALYN TILLERY,) FROM SEPTEMBER 30, 2005 TO
19 Defendant.) OCTOBER 3, 2005 AND EXCLUDING
20 TIME FROM THE SPEEDY TRIAL ACT
21 CALCULATION (18 U.S.C. §
22 3161(h)(8)(A)) AND WAIVING TIME
23 LIMITS UNDER RULE 5.1

24 With the agreement of the parties, and with the consent of the defendant, the Court enters
25 this order scheduling an arraignment or preliminary hearing date of October 3, 2005 at 9:30A.M.
26 before the duty magistrate judge, and documenting the defendant's waiver of the preliminary
27 hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the
28 Speedy Trial Act, 18 U.S.C. § 3161(b), from September 30, 2005, to October 3, 2005. The
parties agree, and the Court finds and holds, as follows:

- 29 1. The defendant has been released on a bond.
- 30 2. The 20-day deadline for preliminary hearing or arraignment under Rule 5.1 is October
31 2, 2005, which is a Sunday, and counsel for the Government will be out of the country the
32 preceding Friday, September 30, 2005. Setting the preliminary hearing for Monday, October 3,
33 2005 will allow for continuity of Government counsel pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv).

3. Defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) and to waiving the time limits of Federal Rule of Criminal Procedure 5.1 for preliminary hearing.

4. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from September 30, 2005 to October 3, 2005, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing date before the duty magistrate judge on October 3, 2005, at 9:30A.M., and (2) orders that the period from September 30, 2005 to October 3, 2005 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: 9/13/05

DAVID COHEN
Attorney for Defendant

DATED: 9/12/05

/s/
MICHELLE MORGAN-KELLY
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 9/16/5

~~JOSEPH C. SPERO~~
United States Magistrate Judge